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News Release



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Critical Habitat Designated for Five Freshwater Mussels

The U.S. Fish and Wildlife Service is designating approximately 550 river miles in Alabama, Mississippi, Tennessee, Virginia, and Kentucky, as critical habitat for five federally-listed freshwater mussels. All five were listed as endangered under the Endangered Species Act, on January 10, 1997.

The species include the endangered Cumberland elktoe, oyster mussel, Cumberlandian combshell, purple bean, and rough rabbitsfoot mussels. The 13 river and stream segments identified in the critical habitat proposal for the five mussels include:

- a section of Duck River in Maury and Marshall counties in Tennessee,
- a section of Bear Creek in Colbert County, Alabama, and Tishomingo County, Mississippi,
- a section of Obed River in Cumberland and Morgan counties in Tennessee,
- a section of Powell River in Claiborne and Hancock counties in Tennessee, and Lee County, Virginia,
- portions of the Clinch River drainage in Hancock County, Tennessee, and Scott, Russell and Tazewell counties, Virginia,
- a section of Nolichucky River in Hamblen and Cocke counties, Tennessee,
- a section of Beech Creek in Hawkins County, Tennessee,
- a section of Rock Creek in McCreary County, Kentucky,
- portions of Big South Fork of the Cumberland River drainage in McCreary County, Kentucky, and Scott, Fentress, and Morgan counties, Tennessee,
- a section of Buck Creek in Pulaski County, Kentucky,
- a section of Sinking Creek in Laurel County, Kentucky,
- a section of Marsh Creek in McCreary County, Kentucky, and
- a section of Laurel Fork of the Cumberland River in Claiborne County, Tennessee and Whitley County, Kentucky.

The Service proposed critical habitat for these five mussels on June 3, 2003. In light of new information, the proposal was revised on Oct. 6, 2003, to include additional river miles in Rock Creek (Unit 8) in Kentucky. The Service considered all public and peer-reviewed comments received during the public comment periods, as well as the economic analysis in finalizing the rule.

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Critical habitat is a term in the Endangered Species Act identifying geographic areas that are essential for the conservation of a threatened or endangered species and may require special management considerations. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. It does not allow government or public access to private lands.

This critical habitat designation was completed in response to a lawsuit filed by the Southern Appalachian Biodiversity Project.

In 30 years of implementing the Endangered Species Act, the Service has found that the designation of critical habitat provides little additional protection to most listed species, while preventing the Service from using scarce conservation resources for activities with greater conservation benefits.

In almost all cases, recovery of listed species will come through voluntary cooperative partnerships, not regulatory measures such as critical habitat. Habitat is also protected through cooperative measures under the Endangered Species Act including Habitat Conservation Plans, Safe Harbor Agreements, Candidate Conservation Agreements and state programs. In addition, voluntary partnership programs such as the Service's Private Stewardship Grants and Partners for Fish and Wildlife program also restore habitat.

Habitat for endangered species is provided on many national wildlife refuges and state wildlife management areas. As listed species under the Endangered Species Act, these mussels are already protected wherever they occur and Federal agencies are required to consult on any action taken that might affect them.

Most public use of habitat for these five species will not be affected by this designation. Most activities such as recreational boating, canoeing, swimming, and fishing would not likely involve a Federal action that may affect critical habitat and, therefore, would not likely trigger a consultation requirement.

When determining areas to designate as critical habitat, the Service considers physical and biological habitat features that are essential to the conservation of the species. These features include space for individual and population growth and for normal behavior; cover or shelter; food, water, air, light, minerals, or other nutritional or physiological requirements; sites for spawning and rearing offspring; and habitats that are protected from disturbances or are representative of the historic geographical and ecological distributions of a species.

As part of designating critical habitat, the Service also takes into account the economic impact, impact to national security, as well as any other relevant impacts, of specifying any particular area as critical habitat. The Service may exclude any area from critical habitat if it is determined that the benefits of excluding the area outweigh the benefits of including the area as a part of critical habitat, unless it is determined that failure to designate the area as critical habitat will result in the extinction of the species.

An economic analysis conducted for this action concluded that the designation may result in a cost of approximately \$681,000 to \$1,560,000 per year in potential economic impact. Because the Service believes all 13 units are essential to the conservation of these species, it has identified no areas where the benefits of exclusion outweigh the benefits of this designation for economic reasons.

A complete description of the critical habitat designation was published in the *Federal Register* today. Copies of the rule and maps are available by contacting Timothy Merritt, U.S. Fish and Wildlife Service, 446 Neal Street, Cookeville, Tenn. 38501; phone 931-528-6481, ext. 211, or on the Internet at <http://cookeville.fws.gov>.

The U.S. Fish and Wildlife Service is the principal Federal agency responsible for conserving, protecting and enhancing fish, wildlife and plants and their habitats for the continuing benefit of the American people. The Service manages the 95-million-acre National Wildlife Refuge System, which encompasses 544 national wildlife refuges, thousands of small wetlands and other special management areas. It also operates 69 national fish hatcheries, 64 fishery resources offices and 81 ecological services field stations. The agency enforces Federal wildlife laws, administers the Endangered Species Act, manages migratory bird populations, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign and Native American tribal governments with their conservation efforts. It also oversees the Federal Assistance program, which distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to State fish and wildlife agencies. Visit the Service's Web site at <http://www.fws.gov>.

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